

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 6177

BILL NUMBER: SB 93

NOTE PREPARED: Feb 11, 2010

BILL AMENDED: Feb 11, 2010

SUBJECT: Yield to Stationary Utility Service Vehicles.

FIRST AUTHOR: Sen. Boots

FIRST SPONSOR: Rep. Austin

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill provides that the failure to use due caution when approaching a stationary utility service vehicle that is being used to perform utility services or a stationary road, street, or highway maintenance vehicle is a Class A infraction that may also result in the loss of driving privileges. (Current law provides that the failure to use due caution which will result in sanctions pertains to the failure to use due caution when approaching a stationary recovery vehicle or a stationary highway maintenance vehicle.)

Effective Date: July 1, 2010.

Explanation of State Expenditures: For the Bureau of Motor Vehicles (BMV), the suspensions of driving privileges will be handled within current procedures with no additional fiscal impact.

Explanation of State Revenues: There are no data available to indicate if additional offenders will be found in violation of failing to yield to an emergency vehicle, if a stationary road, street, or utility service vehicle is included with a stationary recovery vehicle and a stationary highway maintenance vehicle currently in statute. Also, there are no data available to indicate if specifying that the driver will reduce speed to at least 10 miles per hour less than the posted speed limit will increase the number of offenders found in violation of failing to yield to an emergency vehicle. If additional court cases occur and infraction judgments and court fees are collected, revenue to the state General Fund may increase. The maximum judgment for a Class A infraction is \$10,000, which is deposited in the state General Fund.

If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping

fee (\$7), judicial salaries fee (\$18), the public defense administration fee (\$3), the court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund.

If a criminal action, infraction or ordinance violation involves a traffic violation, including this proposed offense, a highway work zone fee of either 50 cents or \$25.50 is assessed.

[On average between 2004 and 2008, there were 1,251 citations a year for failing to yield to an emergency vehicle. Of those, 1,224 either pled or were found guilty.]

Explanation of Local Expenditures:

Explanation of Local Revenues: If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

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